

### **REMARKS**

This Amendment is being filed in response to the Office Action dated November 27, 2006. Claims 1 and 3-26 are currently pending and stand rejected in the application. Of these, claims 1, 19 and 24 are independent. By this Amendment, claims 1, 19 and 24 are amended and new claims 27-29 are added. Support for amended claims 1, 19 and 24 can be found in Examples 1 and 3, and FIGS. 4 and 5 of the application as originally filed. Support for new claims 27-29 can be found in at least paragraphs [0011] and [0017] of the application as originally filed. Thus, no new matter has been added. Accordingly, claims 1 and 3-29 remain pending in this application. Applicants respectfully submit that the amendments to the pending claims have been made without prejudice and solely in order to better clarify the invention and not to limit or narrow the scope of these claims in any way. Applicants respectfully request reconsideration in light of the amendments and comments set forth herein, and respectfully maintain that this application is in condition for allowance.

### **Rejection Under 35 U.S.C. §102**

Claims 1, 3-4, 6, 10 and 16-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,852,974 to Melzig et al ("Melzig"). Without addressing the merits of the Examiner's rejection herein, Applicants have amended independent claims 1, 16 and 24 to require a plurality of dielectric layers to reflect "an amount equal to or greater than about 10% of light in the visible spectrum in a range of between 410 and 800 nm".

In contrast to Melzig, the invention as claimed is directed toward providing a multi-layer thin film capable of imparting a colored appearance to a photochromic lens while maintaining its photochromic activity. In accordance with an embodiment of the invention, this result can be obtained by arranging a plurality of dielectric layers in such a way that a desirable

amount of visible radiation is reflected in a visible part of the light spectrum, more specifically, between about 400 – 800 nm, to provide a visible colored appearance. Additionally, the plurality of dielectric layers are arranged to transmit a desirable amount of invisible UV radiation through the film so as to trigger the activation of the photochromic substances contained in the lens. More specifically, the above can be obtained by providing a plurality of dielectric layers arranged such that (1) they reflect an amount less than about 15% of spectral ultraviolet radiation in a range between 315 and 400 nm, which can provide activation of the photochromic substances, and (2) they reflect an amount equal to or greater than about 10% of light in the visible spectrum in a range between 410 and 800 nm, which can provide the visible colored appearance.

Melzig, in contrast, is directed toward a different arrangement of dielectric layers which do not achieve the claimed features. For example, according to the Examiner, Melzig discloses a reflectance level of 10% or less for light of wavelengths from 325 to 400 nm and higher than 30% for light of wavelength 275 to 325 nm. However, Melzig fails to teach or suggest a multi-layer film coating reflecting “equal to or greater than about 10% of light in the visible spectrum in a range of between 410 and 800 nm” as recited in independent claims 1, 19 and 24 as amended herein. In contrast, referring to FIGS. 2-5 in Melzig, Melzig discloses less than 10% reflectance of light “in the visible spectrum in a range of between 410 and 800 nm.” By providing less than 10% reflectance in a range of 410 and 800 nm, Melzig provides a clear, uncolored, antireflective film. Therefore, Melzig teaches away from the invention as claimed in independent claims 1, 16 and 24 and the claims depending therefrom.

Melzig further teaches away from a reflectance of equal to or greater than about 10% in a range of 410 to 800 nm because Melzig states that an influence on the color of the

photochromic effect can be obtained by providing reflection in the range between 290 and 380 nm. Accordingly, Melzig discloses reflecting light within the UV wavelength range to influence the color, and thus teaches away from obtaining a visible colored appearance by reflecting light in the visible wavelength range of between 410 and 800 nm.

Accordingly, Applicants respectfully submit that Melzig fails to teach or suggest independent claims 1, 19 and 24 and the dependent claims depending therefrom.

**Rejection Under 35 U.S.C. §103(a)**

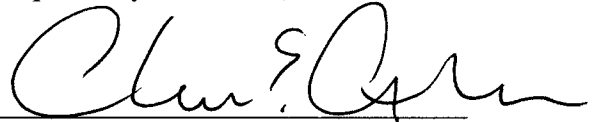
Claims 5, 7, 11-15, 19-22 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Melzig in view of U.S. Patent No. 6,175,450 to Andreani et al. (“Andreani”). Applicants respectfully assert that Andreani fails to resolve the shortcomings of Melzig and fails to teach or suggest a multi-layer thin film that reflects “an amount equal to or greater than about 10% of light in the visible spectrum in a range of between 410 and 800 nm”. Rather, Andreani likewise discloses **less than** 10% reflectance of light “in the visible spectrum in a range of between 410 and 800 nm” as illustrated in FIGS. 1-4. Accordingly, Applicants respectfully maintain that claims 5, 7, 19-22 and 24 are patentable over Melzig and Andreani.

Claims 8-9, 18, 23 and 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Melzig. As stated above, Melzig fails to teach or suggest every element of independent claims 1, 19 and 24 as amended herein, and thus, Applicants respectfully submit that claims 8-9, 18, 23 and 25-26 are patentable over Melzig.

Applicants respectfully submit that all outstanding rejections have been addressed and are now either overcome or moot and submit that all of the claims remaining in the application are in condition for allowance. Applicants respectfully request entry of this Amendment, and early and favorable action in the above-identified application.

No fee, other than the three month extension fee, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, the Examiner is hereby authorized to charge the amount of such fee to Deposit Account No. 19-4709.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles E. Cantine", written over a horizontal line.

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